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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,254	02/05/2004	Toshiyuki Okubo	1232-5278	8661

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MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER	
JONES, HEATHER RAE	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
01/04/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
Shopkins@Morganfinnegan.com
jmedina@Morganfinnegan.com

Office Action Summary	Application No.	Applicant(s)	
	10/774,254	OKUBO, TOSHIYUKI	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/16/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed October 10, 2007 have been fully considered but they are not persuasive.

The Applicant argues on page 8, lines 1-3 that Stam fails to teach, disclose, or suggest that the control unit "displays a high-resolution image corresponding to a prior low-resolution image without displaying the prior low-resolution image. The Examiner agrees. The Examiner used the Stam reference only to teach overshoot correction by determining the frame where the user stopped fast-forwarding and start displaying from a point prior to that frame. Therefore, when combining the Stam reference with the Anderson reference it teaches the Anderson reference to compensate for the user's overshoot and instead of displaying the high resolution image of the low-resolution image that the user stopped fast-forwarding on it displays a high resolution image of an image prior to that low-resolution image.

The Applicant argues on page 8, lines 4-7 that the Applicant finds that a combination of Anderson and Stam can only lead to a technique in which, when there is an instruction to stop the fast-forwarding, a predetermined number of frames are back-tracked, and, first, a low-resolution image is displayed, and after that, a high resolution image corresponding to the low-resolution image is displayed. The Examiner respectfully disagrees. Anderson discloses that when the navigation

button is no longer depressed or held down then the low-resolution (screennail image) that is currently on the display is replaced with the corresponding high-resolution image. Therefore, if Anderson were to correct for the user's overshoot the low-resolution image (screennail image) that is currently on the display is replaced with a high-resolution image that would correspond to a prior low-resolution image, but Anderson does not teach that the prior low-resolution image needs to be displayed first, it only states that the low-resolution being displayed is replaced with a high-resolution image.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 8 defines a program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). Claim should read "a

computer-readable medium storing a computer program" in order to overcome the 101 rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent 5,933,137) in view of Stam et al. (U.S. Patent 6,850,691).

Regarding claim **1**, Anderson discloses an image reproduction apparatus comprising: an interface unit connected to a detachable memory configured to store a plurality of image files, each image file having a file structure that includes at least a high-resolution image and a low-resolution image, for the same image (Fig. 6); a display unit (402) configured to display an image file of the plurality of image files stored in the detachable memory that is connected via the interface unit; an operating unit operated by a user for forwarding an image displayed on the display unit (Fig. 5A); and a control unit configured to cause the display unit to successively display a low-resolution image of the plurality of image files at fast speed while the operating unit is in a predetermined

operating state, and to display a high-resolution image on the display unit when the operating unit is released from the predetermined operating state (Fig. 11A; col. 13, lines 36-45). However Anderson fails to disclose displaying a high resolution image corresponding to a prior low-resolution image of a predetermined number of images prior to the low-resolution image displayed on the display unit when the operating unit is released from the predetermined operating state, without displaying the prior low-resolution image.

Referring to the Stam et al. reference, Stam et al. discloses an image reproduction apparatus wherein a control causes the display unit to successively display image files at a fast speed while the operating unit is in a predetermined operating state, and to display a second image that is a predetermined number of images prior to the first image displayed on the display unit when the operating unit is released from the predetermined operating state, without displaying the prior images (col. 2, lines 2-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have corrected an overshoot when stopping the fast forwarding function as disclosed by Stam et al. with the apparatus disclosed by Anderson in order to accommodate for the user's reaction time, the time it takes for the user's command to be sent to the device along with the time it takes for the device to react, and to accommodate for the speed of the fast forward or reverse mode.

Regarding claim **2**, Anderson in view of Stam et al. discloses all the limitations as previously discussed with respect to claim 1 including that the predetermined operating state is a state maintained continuously by the operating unit at a predetermined operating position for a predetermined time period (Anderson: Fig. 11A – the searching continues while the navigation button is held down).

Regarding claim **3**, Anderson in view of Stam et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing an image reproduction apparatus further comprising a setting unit configured to set the predetermined number of images depending on the fast forward speed (Stam et al.: col. 2, lines 25-34).

Regarding claim **4**, Anderson in view of Stam et al. discloses all the limitations as previously discussed with respect to claim 1 including that the predetermined number of images is set according to how the user operates the operating unit with respect to the fast forwarding display (Stam et al.: col. 2, lines 17-24 – the device adapts to the user by remembering how much the user corrects after they stop the fast forwarding mode).

Regarding claim **5**, Anderson in view of Stam et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing an image reproduction apparatus further comprising a setting unit configured to set the predetermined number of images depending on

a user-specified number (Stam et al: col. 2, lines 35-46 – this device allows two ways for the user to set the predetermined number, one way is to take a test to figure out the user's reaction time and the other way to allow the user to simply set a sensitivity setting).

Regarding claim **6**, Anderson in view of Stam et al. discloses all the limitations as previously discussed with respect to claim 1 including that the first image is fast forward displayed when the operating unit is not in the predetermined operating state (Anderson: Fig. 11A – the high resolution image is displayed when the navigation button is not being held down).

Regarding claim **7**, this is a method claim corresponding to the apparatus claim 1. Therefore, claim 7 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding claim **8**, this is a computer program claim corresponding to the apparatus claim 1. Therefore, claim 8 is analyzed and rejected as previously discussed with respect to claim 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
December 21, 2007

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600